

STATUS OF CONTINGENCY PLANNING
FOR EMERGENCY OPERATION OF WATER POLLUTION CONTROL FACILITIES
IN THE SAN FRANCISCO BAY REGION

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STATUS OF CONTINGENCY PLANNING
FOR EMERGENCY OPERATION OF WATER POLLUTION CONTROL FACILITIES
IN THE SAN FRANCISCO BAY REGION

Prepared by:

Paul C. Soltow, General Manager
Don M. Hemovich, Associate Engineer
Peter Chiu, Associate Engineer

BAY AREA SEWAGE SERVICES AGENCY
HOTEL CLAREMONT
BERKELEY, CALIFORNIA 94705

SEPTEMBER 1974

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I. Introduction

The Bay Area Sewage Services Agency is the nine-county public entity responsible for regional water quality management in the San Francisco Bay Region. The Agency serves a population of 4.6 million persons who dispose of over 500 million gallons of sewage daily.

BASSA is governed by a 21-member Board of Trustees appointed by the Supervisors of each county. Each Trustee is an elected official of a local public agency operating water quality control facilities. The Agency Board is assisted by a Technical Advisory Committee which makes recommendations on regional water quality management plans and related matters.

Division 9 of the California Water Code requires the Agency to prepare and adopt a comprehensive water quality management plan for the San Francisco Bay Region. The Agency is empowered under the law to assure implementation of the plan through participation and development of water quality standards and requirements proposed by federal or state agencies and to review and approve applications for financial assistance for new projects. Furthermore, the Agency may construct and operate wastewater, interception, treatment, disposal and reclamation facilities when requested to do so or when local agencies cannot or will not act to implement adopted regional plans. The Agency is also empowered to conduct studies and research pertaining to regional water quality management.

This report is prepared in response to Agency Board concerns regarding appropriate actions to be taken or recommended by the Agency to prevent or mitigate the effects of interruptions to normal waste treatment operation under emergency conditions which could be imposed by labor stoppage, natural disaster, civil disorders, faulty maintenance, negligent operation or accidents.

II. Summary of Findings and Recommendations

The following findings are from responses to the Agency's questionnaire on contingency planning status:

- (1) Formalized, organized collective bargaining units are widespread throughout the Bay Area and include the staffs of all of the most important treatment plants. A major fraction of operating personnel in the Region are members of organized labor collective bargaining units.
- (2) Most operating personnel are certified in accordance with State law.
- (3) Some facilities are capable of being operated for short periods of time by supervisory personnel. Most responding agencies do not have agreements with their labor organizations to maintain such services, nor do they have contingency plans in effect at the present time.
- (4) Availability of essential services and supplies limit the period of time during which normal treatment plant operation can be maintained in the event of a contingency. Availability of chlorine is the most prevalent supply limitation. Other chemicals, fuels and maintenance services are also limiting.
- (5) Most plants cannot be expected to operate under emergency or contingency conditions beyond the period of normal supply inventory, which is about two weeks on the average.
- (6) A majority of wastewater agencies are interested in development of a Regional Mutual Aid Program to provide a mobile work force.

It is recommended that the Bay Area Sewage Services Agency adopt and implement the following recommendations regarding planning for contingencies in the San Francisco Bay Region:

- (1) The Agency should encourage development of a system of mutual aid among water pollution control agencies similar to those systems now existing among police and fire organizations among the various counties.
- (2) The Agency should develop a contingency planning element in its Regional Water Quality Management Plan. The element should address itself to all circumstances which could affect normal wastewater treatment plant operations, including labor disputes, shortages of essential supplies, energy shortages, civil defense emergency or other disaster.
- (3) The Agency should seek legislation clarifying its own role in the provision of regional services during periods of emergency.
- (4) The Agency should encourage efforts to assure provision at all times of essential public services by public agency staffs.

- (5) The Agency should encourage design and construction of self-sufficient facilities with minimum reliance upon outside supplies and manpower.
- (6) The Agency should provide assistance to the dischargers in the Bay Region in the development of local contingency plans to assure continuous operation of facilities for the collection, treatment and disposal of wastewater as required by the California Regional Water Quality Control Boards.
- (7) The Agency should encourage local governments to develop contingency plans for water pollution control under the authority of County Emergency Plans.

III. Background Information

The March, 1974 public employee strike in the City and County of San Francisco underscored the sensitivity of waste treatment facilities to labor disputes. In the San Francisco strike, picket lines were placed around City waste treatment facilities. These lines were honored by plant personnel. Management decided that to avert damage to public property the plants would be bypassed during the strike. This bypassing resulted in widespread protests throughout the Region, as well as legal action by the Regional Water Quality Control Board.

The Bay Area Sewage Services Agency was urged to act to stop the bypassing of raw sewage. Review of the Agency Law, however, indicated that the Agency could assume responsibility for operation only when requested to do so by local agencies or after notice of public hearing when a finding has been made that firm commitment for operations is needed and that the local agency involved does not wish to continue operation or cannot proceed with operation. The Agency Act does not provide for emergency operation or staffing of waste treatment facilities under temporary circumstances, nor does such authority exist in legislation governing State and Regional Boards. The Governor of the State does have broad jurisdiction, and it is believed that authority does exist for seizure and operation of local government facilities during emergency periods when it is in the public interest to do so.

Nevertheless, the Military and Veterans Code provides that the terms "state of extreme emergency" and "state of disaster" do not include "any condition resulting from a labor controversy". Likewise, in the California Emergency Services Act, which replaced the California Disaster Act effective November 23, 1970, the two non-war created emergencies "state of emergency" and "local emergency" are defined so as to exclude "conditions resulting from a labor controversy". But opinions of the Attorney General dated December 29, 1970 (Attorney General's Opinions, Volume 53, Page 324) clearly state that the public employees (firemen and policemen) do not have a legal right to strike, and that such illegal activity is not a labor controversy within the intent of the above-mentioned Acts. The opinions also indicate that the State is not prevented from rendering aid to a city in the event of a strike by the city's police or firefighting personnel when it is necessary to cope with a serious threat to public life, health and property, and that aid from police or firefighting personnel of neighboring areas is not prohibited.

State action did not have to be resorted to in the San Francisco strike inasmuch as the City administration, through its supervisory forces, managed to reopen the waste treatment facilities and to maintain operation on a limited basis. This effort enabled negotiating teams to reach an understanding with the unions and picket lines were withdrawn promptly. Normal operations were then resumed.

In April, 1974 a similar strike occurred among employees of the East Bay Municipal Utility District. Pickets were placed around the District's waste treatment plant in Oakland. However, that facility remained in

operation through utilization of supervisory personnel and no discharge of raw sewage occurred. The picketing of the East Bay plant, however, did curtail construction for several days at the District's \$53.2 million secondary treatment plant additions.

Subsequently, in early July, municipal employees of the City of Petaluma were on strike for two days, and a court injunction against picketing was served. The waste treatment facilities were kept in operation by supervisory personnel during the two-day period.

Another municipal strike occurred at the City of Pacifica from July 15 to July 24, 1974. At the beginning of the strike, the State Water Resources Control Board warned the City that raw sewage could not be dumped into the ocean from the primary treatment plant. The Board also sought an injunction against both the City and the two striking union locals. However, the court denied the Board's claim and did not issue a temporary restraining order because the City provided assurances that the plant would be kept open. In fact, management, including two plant supervisors, did maintain the plant in operation during the period of the strike.

In early August, the City of San Mateo also had a two-day strike. The waste treatment facilities remained in operation with a skeleton crew made up of supervisory personnel.

The Agency Board has recognized the possibility of additional interruptions to waste treatment processes in the Bay Area because many community waste dischargers have strong employee labor organizations. The Agency Board found that threat or actual shutdown of sewage treatment plants and interruption of new construction has very severe, adverse effects on the community, public agencies, labor and the environment. The Board has called upon all parties to work together to develop programs to maintain plants in operation and to prevent interruption of construction of vitally needed plants. In Resolution No. 74-13, (see Appendix A) the Agency requested the State Legislature to provide for treatment plant operations and construction during public employee labor disputes. The Agency offered its assistance to labor, management and the Legislature.

A first step toward development of a regional contingency plan was distribution of a questionnaire to 75 municipal waste treatment agencies in the Region. The purpose of the questionnaire was to elicit information on the degree to which plant operations could be affected by employee's labor disputes. The Agency also contacted the Regional Water Quality Control Board to determine the extent to which they would permit wastewater operations to be curtailed during a strike or other emergency. Its response (see Appendix B) stated that sewerage agencies must do whatever is necessary in the area of employee negotiations, staffing and legislation to assure that San Francisco Bay would never again be used as a pawn in labor difficulties. Regional Water Quality Control Board leadership is strongly opposed to any curtailment of operation of sewage facilities and advocates that contingency plans provide for full operation at all times.

On July 16, 1974, as a policy matter, the Regional Board adopted Resolution No. 74-10 (see Appendix C) requiring waste dischargers to develop and implement contingency plans. Those plans must assure continued operation of collection, treatment and disposal facilities. The Regional Board's action requires each discharger, as a provision of its NPDES permit, to submit its contingency plan within 120 days after adoption of the permit. That plan must include information on the following:

- (1) provision of personnel for continued operation and maintenance of sewerage facilities during employee strikes or strikes against contractors providing services;
- (2) maintenance of adequate chemicals or other supplies and spare parts necessary for continued operation of sewerage facilities;
- (3) provisions of emergency standby power;
- (4) protection against vandalism;
- (5) expeditious action to repair failures of, or damage to, equipment and sewer lines;
- (6) report of spills and discharges of untreated or inadequately treated waste, including measures taken to clean up the effects of such discharges; and
- (7) programs for maintenance, replacement and surveillance of physical condition of equipment, facilities and sewer lines.

Dischargers with NPDES permits already in effect are required to develop and submit their contingency plans by December 1, 1974. Failure by a discharger to develop and implement contingency plans will be considered to be willful and negligent violation of permit requirements. It could thus be cause for action pursuant to Section 13387 of the California Water Code, which provides for fines of up to \$50,000 for each day of violation and for imprisonment for not more than two years.

The task of maintaining operation of publicly-owned waste treatment facilities during periods of employee-labor dispute or other emergencies raises many opposing questions. For example, is the public interest in maintenance of water quality standards greater than that involved in operation of hospitals, garbage collection, public administrative offices or transportation facilities? Are public officials accountable through fine and imprisonment for actions which may be beyond their ability to control? Is it reasonable and justified for state agencies to require full operation of waste treatment facilities under all possible circumstances under threat of penalty to the wastewater discharger?

Organized labor was contacted in the course of the Agency's investigation of this matter of the problem of work stoppages in waste treatment facilities. The general reaction of labor is summarized in a letter dated April 25, 1974 (see Appendix D) from Richard K. Groulx, Executive Secretary of the Central

Labor Council of Alameda County. Mr. Groulx stated labor's point of view is often reasonable under the circumstances. He underscored the need for California laws which would grant public employees the right to bargain collectively. Groulx expressed doubt that legislation restricted to waste treatment facilities would be successful and urged support of general legislation affecting all public employees.

The 1974 California Legislature considered several bills directed at improvement of employee bargaining procedures. None were adopted during the session.

It should be noted that water pollution is usually not considered to be a plan element in County Emergency Plans. For example, Contra Costa County's Emergency Plan contains more than 40 supporting elements such as Earthquake Response Plan, Oil Spill Plan, Air Pollution Plan, Fire Service Plan, etc., but contingency plans for water pollution are not included.

A manual entitled "Emergency Planning for Municipal Wastewater Treatment Facilities" was published by the United States Environmental Protection Agency in February, 1974. This manual is based on the results of a special study. Over 200 municipal treatment systems were contacted and asked to provide information for this project. This information was used to help identify the principal causes of failures within municipal treatment systems. Other information on emergency planning and responses to emergency conditions was also provided by these contacts. This manual can be used as a guide to the municipal dischargers in the development of contingency plans as required by the Regional Board.

IV. Findings of Discharger Questionnaire

On April 15, 1974, the Agency sent a contingency planning questionnaire to 75 public sewerage agencies in the Region. 57 of the agencies (76%) responded (see Appendix E). Analysis of these responses shows the following:

- (1) Description of Waste Treatment Facilities - Agencies responding represent a total of 61 waste treatment plants. Dry weather flow ranged from as little as 0.1 mgd. to as great as 85 million gallons per day. Normal plant staffing per shift varies between one and twelve individuals. Number of manned shifts varies from one to three. 31 percent of the plants reported provided primary treatment; 23 percent provided secondary trickling filter operation; 34.5 percent provided secondary activated sludge; and 11.5 percent provided secondary treatment which consisted of oxidation ponds, tertiary lagooning, trickling filters or extended aeration.
- (2) Participation in Formally Organized Collective Bargaining Units - Employees of 44 percent of the agencies responding belong to formally organized collective bargaining units. This included most of the larger agencies. The employee organizations are listed in Appendix E.
- (3) Operation by Supervisory Personnel - Of the agencies reporting, 45 (82%) stated that their facilities could be operated by supervisory personnel. Only five agencies had understandings with employee organizations to maintain essential services. Only three indicated existence of any contingency plans in effect.
- (4) Certification of Personnel - 88 percent of the agencies responding indicated that responsible operating personnel are certified under the provisions of the State of California Law. Certification grades range from II through V. 66 percent of the agencies indicated that their supervisory personnel possess adequate certification to operate their waste treatment facilities.
- (5) Regional Mutual Aid Programs - 37 (69%) of the responding agencies indicated interest in the establishment of a Regional Mutual Aid Program (see Appendices E and F). Some respondents expressed doubt over the effectiveness of such measures when employee labor disputes are involved.
- (6) Necessary Services and Supplies - Questionnaire responses indicated that many different services and supplies are necessary for waste treatment facilities operations. These services and supplies are susceptible of being cut off by labor disputes. 82 percent of the agencies reporting indicated that chlorine would be the material in shortest supply. Other materials, in descending order of response, were gasoline, diesel fuel, commercial electrical and mechanical maintenance, coagulant

polymers, odor control chemicals, propane, commercial screening and sludge disposal, ferric chloride, lime and alum. Other critical materials include caustic soda, sulfur dioxide, ammonia, sodium bicarbonate and defoamants. Inventories for most supply items varied from seven days to three months, with the average about fourteen days. A detailed listing of questionnaire responses regarding services and supplies is also shown in Appendix E.

APPENDICES

BAY AREA SEWAGE SERVICES AGENCY
BOARD OF TRUSTEES
RESOLUTION NO. 74-13

RESOLUTION STATING POLICY OF BAY AREA SEWAGE SERVICES AGENCY
REGARDING SHUTDOWN OF SEWAGE TREATMENT PLANTS DURING LABOR DISPUTES

WHEREAS, in the past month public agency strikes have been called against two major Bay Area community wastewater dischargers; and

WHEREAS, one strike resulted in a shutdown of four large sewage treatment plants and discharge of raw sewage to the Bay and Ocean at a rate of approximately 100 million gallons per day; and

WHEREAS, the second discharger is still being struck and is operating its treatment plant with supervisory personnel, but has had construction of up-graded facilities shut down; and

WHEREAS, many community waste dischargers have unionized employees, and there is possibility of additional strikes and plant shutdowns; and

WHEREAS, plant shutdowns and resultant discharge of raw sewage cause damage to beneficial uses of Bay and Ocean waters, create hazards to public health and inequities to other communities which are treating their wastewaters; and

WHEREAS, interruptions of new sewage treatment plant construction present a poor public image of both administration and labor, as well as of the community itself.

NOW, THEREFORE, BE IT RESOLVED that the Bay Area Sewage Services Agency hereby finds that shutdown of sewage treatment plants and interruption of new sewage treatment plant construction has adverse impacts on communities, management, labor and the environment.

BE IT FURTHER RESOLVED that this Agency hereby calls upon both public agency management and labor to work together to develop programs for maintaining treatment plants in operation and for prevention of interruption of vitally-needed and overdue plant construction during employee labor disputes.

BE IT FURTHER RESOLVED that this Agency hereby requests the State Legislature to adopt legislation to provide for continuous sewage treatment plant operation and for keeping new construction underway should such labor disputes occur.

BE IT FURTHER RESOLVED that this Agency hereby offers its assistance to management, labor and the Legislature in resolving this matter.

Bay Area Sewage Services Agency
Resolution No. 74-13

BE IT FURTHER RESOLVED that a certified copy of this resolution be sent to each central labor council of each county of the Region and to each waste-water management agency therein and be made available to members of the Bay Area legislative delegation.

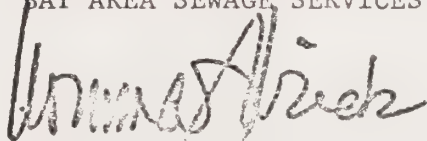
PASSED AND ADOPTED THIS 17th day of April, 1974, by the following vote:

AYES: Amstrup, Bates, Mrs. Berger, Bolin, Carrington, Cavanagh, Fitzgerald, Gibbs, Gunn, Hughan, Hyde, Landis, Maltester, Mineta, Molinari, Toole, Weiss.

NOES: None.

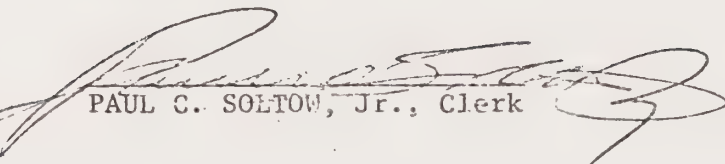
ABSENT: Bettini, DiDuca, Gonzales, Mendelsohn.

BOARD OF TRUSTEES
BAY AREA SEWAGE SERVICES AGENCY



NORMAN Y. MINETA, President

ATTEST:



PAUL C. SOLTOW, Jr., Clerk

I, PAUL C. SOLTOW, Jr., Clerk of the Board of Trustees of the Bay Area Sewage Services Agency, do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 74-13, adopted by the Bay Area Sewage Services Agency Board on April 17, 1974.



PAUL C. SOLTOW, Jr.,
Clerk of the Board of Trustees of the
Bay Area Sewage Services Agency

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION
1111 JACKSON STREET, ROOM 6040
OAKLAND 94607

Phone: Area Code 415
464-1255



April 18, 1974

In reply, please refer
to File No. 1190.00

Mr. Paul C. Soltow, Jr., General Manager
Bay Area Sewage Services Agency
Hotel Claremont
Berkeley, CA 94705 :

Dear Mr. Soltow:

Subject: Emergency Operation of Treatment Facilities

This is in response to your April 8, 1974 letter requesting my views regarding operation of sewerage facilities under emergency conditions. I strongly recommend that any contingency plans provide for full operation of waste treatment facilities at all times. Sewerage agencies must do whatever is necessary in the area of employee negotiations, staffing and/or legislation to insure that San Francisco Bay is never again used as a pawn during labor difficulties.

I believe that BASSA can provide a useful service on this matter by supporting the above policy position rather than developing plans for curtailing operation of sewerage facilities.

Please call Mr. Fred H. Dierker if you have any comments or would like to pursue this matter further.

Sincerely,

Sidney S. Lippow
SIDNEY S. LIPPOW,
Chairman

SSL/dac

cc: All Regional Board Members
Mr. Bill B. Dendy, Executive Officer
State Water Resources Control Board
Mr. Fred H. Dierker, Executive Officer
Regional Water Quality Control Board

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STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

RESOLUTION NO. 74-10

POLICY REGARDING WASTE DISCHARGERS RESPONSIBILITIES TO DEVELOP
AND IMPLEMENT CONTINGENCY PLANS TO ASSURE CONTINUOUS OPERATION OF
FACILITIES FOR THE COLLECTION, TREATMENT AND DISPOSAL OF WASTE

WHEREAS, this Regional Board has adopted policies and requirements stating its intent to protect the beneficial water uses within the San Francisco Bay Region and prohibiting the discharge of untreated or inadequately treated wastes; and

WHEREAS, conditions including process failure, power outage, employee strikes, physical damage caused by earthquakes, fires, vandalism, equipment and sewer line failures, and strikes by suppliers of chemicals, etc. or maintenance services can result in the discharge of untreated or inadequately treated wastes; and

WHEREAS, the development and implementation of contingency plans for the operation of waste collection, treatment and disposal facilities under such conditions should insure that facilities remain in, or are rapidly returned to, operation in the event of such an incident and measures are taken to clean up the effects of untreated or inadequately treated wastes.

NOW, THEREFORE BE IT RESOLVED, that this Regional Board will require each discharger as a provision of its NPDES Permit to submit within 120 days after the adoption of the permit a contingency plan acceptable to the Regional Board's Executive Officer to include at least the following:

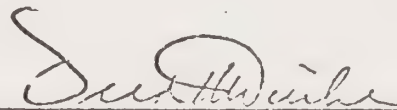
- A. Provision of personnel for continued operation and maintenance of sewerage facilities during employee strikes or strikes against contractors providing services.
- B. Maintenance of adequate chemicals or other supplies and spare parts necessary for continued operation of sewerage facilities.
- C. Provisions of emergency standby power.
- D. Protection against vandalism.
- E. Expeditious action to repair failures of or damage to equipment and sewer lines.
- F. Report of spills and discharges of untreated or inadequately treated wastes including measures taken to clean up the effects of such discharges.
- G. Programs for maintenance replacement and surveillance of physical condition of equipment, facilities and sewer lines.

BE IT FURTHER RESOLVED, pursuant to Sections 13267 and 13268, dischargers with NPDES Permits now in effect are required to develop and submit a contingency plan as described above, by December 1, 1974.

BE IT FURTHER RESOLVED, that the discharge of pollutants in violation of an NPDES Permit where a discharger has failed to develop and implement a contingency plan as described above will be the basis for considering the discharge a willful and negligent violation of the Permit and action pursuant to Section 13387 of the California Water Code.

BE IT FURTHER RESOLVED, that it is the intent of the Regional Board to eventually require all waste dischargers in the San Francisco Bay Region to develop contingency plans, and those not specifically covered by this resolution are urged to voluntarily develop and implement plans including the above-named elements.

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on July 16, 1974.



FRED H. DIERKER
Executive Officer

State of California
California Regional Water Quality Control Board
San Francisco Bay Region

EXECUTIVE OFFICER SUMMARY REPORT
MEETING DATE: June 18, 1974

ITEM: 3

SUBJECT: CONTINGENCY PLANS FOR OPERATION OF SEWERAGE SYSTEMS UNDER
EMERGENCY CONDITIONS

CHRONOLOGY: The Regional Board has not previously considered this subject as a policy matter.

DISCUSSION: The City and County of San Francisco's employees strike resulted in the discharge of over 400 million gallons of untreated sewage and industrial waste to and the contamination of San Francisco Bay and the Pacific Ocean. It clearly demonstrated the need for waste dischargers to develop contingency plans for continuous operation of waste facilities. Other communities in the Bay Area including East Bay Municipal Utility District, City of Redwood City and City of Mill Valley have experienced employee strikes, but sewerage facilities were maintained in operation using supervisory personnel.

The operation of facilities could be impaired for other reasons including process failure, power outages, physical damage caused by earthquakes, fires, vandalism, equipment and sewer line failures and strikes by private or commercial suppliers of chemicals, etc. or maintenance services. Contingency plans should be developed to insure that facilities remain in or are rapidly returned to operation in the event of any of these incidents.

Contingency planning should include, but not be limited to:

- A. Provision of personnel for continued operation and maintenance during employee strikes or strikes against contractors providing services.
- B. Maintenance of adequate quantities of chemicals, other supplies or spare parts necessary for continued operation.
- C. Provision of emergency standby power.
- D. Protection against vandalism.
- E. Expeditious action to repair failures of equipment and sewer lines and action to correct process failures.
- F. Reporting of spills and discharges of untreated or inadequately treated wastes including measures taken to cleanup the effects of such discharges.
- G. Programs for preventive maintenance, replacement and surveillance of physical condition of equipment.

The Regional Board can require these contingency plans as a part of the NPDES Permit Program discharges violating requirements without implementing such a plan could be the basis for considering the discharge a willful or negligent violation of the permit. Section 13387 California Water Code provides for fines of up to \$25,000 per day and imprisonment for such violation of NPDES permits. I recommend that the requirement for contingency plans be limited to dischargers subject to the NPDES permit program at this time

ITEM: 3 (continued)

because it would cover the major discharges having an impact on beneficial water uses.

RECOM-

MENDATION: Adoption of the tentative policy stating the Regional Board's intent to require dischargers to develop and implement contingency plans for continuous operation of facilities for the collection, treatment and disposal of wastes.

FHD/plr



Central Labor Council of Alameda County

AFL-CIO

APPENDIX D

6512

2315 VALDEZ STREET, Room 305

OAKLAND, CALIFORNIA 94612

Telephone 444-6510

April 25, 1974

RICHARD K. GROULX,
Executive Secretary-Treasurer

RUSSELL R. CROWELL,
President

EDWARD J. COLLINS,
Assistant Secretary

Paul C. Soltow, Jr.
General Manager
Bay Area Sewage Services Agency
Hotel Claremont
Berkeley, California

Dear Sir:

Thank you for inviting me to comment on Resolution No. 74-13. The resolution is innocuous enough and will probably do no more good or harm than most resolutions.

If your agency is serious in its aim to prevent raw sewage discharge due to strikes and, I hope, to be fair in its approach a little more thought and objectivity is required however.

First of all, if one examines the two strikes mentioned the urgency in seeking legislation dealing specifically with sewage is less than absolute. The unions striking the East Bay Municipal Utility District did not at any time attempt to shut down the sewage disposal plant so, unless your board objects to supervisors doing the same work our members do daily no immediate harm was done.

To say that closing down a construction job for a very short time (2 days) when the job will take months if not years to finish constitutes an emergency stretches credibility.

The sixth whereas is not quite true. When a disruption of necessary services occurs because of a strike the union always receives most, if not all of the blame. This is true even when inept or even stupid bargaining by management caused the strike.

So long as the right of public workers to bargain collectively and strike is not clearly covered by law any attempt to legislate toward special concerns is futile.

California lacks such a law and, since you have offered to be helpful, I respectfully request that B.A.SSA pass a resolution asking the

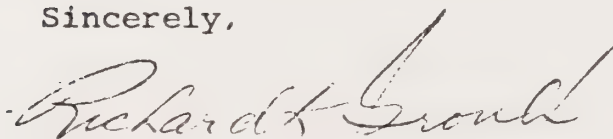
Paul C. Soltow, Jr.

Page 2

April 25, 1974

legislature to pass a bill like the Moscone or Morretti bill dealing with public employment. If you were to add to that resolution language limiting work stoppages regarding raw sewage, I might not agree but it would make a little more sense.

Sincerely,



Richard K. Groulx
Executive Secretary

RKG/jh
opeu:29
afl:cio

cc: AFSME Locals 444 and 2019
East Bay Labor Journal
Ron Glick ACSME
San Francisco Central Labor Council

RECEIVED
APR 29 1974

BAY AREA SEWAGE SERVICES AGENCY
BERKELEY, CALIF. 94705

BAY AREA SEWAGE SERVICES AGENCY

June, 1974

SUMMARY OF QUESTIONNAIRE ON CONTINGENCY PLANNING STATUS

Number of Questionnaires Sent: 75
 Number Received Through June 18, 1974: 57

1. Briefly describe your organization's waste treatment facility:

a. Present dry-weather flow: .1 to 85 mgd.b. Normal plant staffing per shift: 1 to 12.c. Number of manned shifts: 1 to 3.d. Type of treatment (check): /19/ Primary./14/ Secondary, trickling filter./21/ Secondary, activated sludge./ 7/ Other: Pumping only, Oxidation Ponds,Tertiary Lagooning, Trickling Filterand Oxidation Ponds, Extended Aeration2. Do your employees belong to a formally organized collective bargaining unit?
If so, what is the name of the organization?Number of organized collective bargaining units: 25. See attached listingfor names of organizations.

3. (a) In the event of a labor dispute, can your facility be operated by supervisory personnel? (b) Do you have an understanding with your employee organization to maintain essential services? (c) If so, are such plans in effect at the present time?

(a) 45 yes/ 6 no (b) 5 yes/ 25 no (c) 3 yes/ 13 no

4. (a) Are responsible operating personnel certified under provisions of State certification law? (b) If so, what is highest certification grade in your organization? (c) Do supervisory personnel possess certification?

(a) 50 yes (b) II through V (c) 38 yes/ 1 no

5. Would your organization be interested in a regional mutual aid program among waste treatment agencies to provide a mobile work force?

Yes: 33 No: 19 Maybe: 4

6. Indicate which of the following services or supplies are necessary to your waste treatment facilities' operation and could be cut off in the event of a labor dispute?

/45/ Chlorine
/ 8/ Ferric Chloride
/ 2/ Alum
/ 7/ Lime
/ 3/ Sodium Hypochlorite
/16/ Coagulant Polymers
/ 8/ Commercial Screening Disposal
/ 7/ Commercial Sludge Disposal
/20/ Commercial Electrical or Mechanical Maintenance
/10/ Propane
/21/ Diesel Fuel
/24/ Gasoline
/12/ Odor Control and Masking Agents
/ 7/ Other NaOH; SO₂; Sodium Bicarbonate; Ammonia; Sulfur Dioxide; and
Defoamants.

7. How many days of normal plant operation are possible with normal inventories or availability of above items?

7 days to 3 months. Average: 14-15 days.

8. Add any other comments: _____
- _____
- _____

Signed: _____

Organization: _____

Title: _____

Date: _____

LIST OF AGENCIES RESPONDING TO QUESTIONNAIRE

City of Antioch	Castro Valley Sanitary District
City of Belvedere	Central Contra Costa Sanitary District
City of Burlingame	East Bay Municipal Utility District
City of Calistoga	Estero Municipal Improvement District
City of Concord	Granada Sanitary District
City of Dixon	Guadalupe Valley Municipal Improvement District
City of Gilroy	Hamilton Air Force Base
City of Half Moon Bay	Las Gallinas Valley Sanitary District
City of Hayward	Menlo Park Sanitary District
City of Livermore	Milpitas Sanitary District
City of Millbrae	Mt. View Sanitary District
City of Mill Valley	Napa Sanitation District
City of Pacifica	North Marin County Water District
City of Palo Alto	North San Mateo County Sanitation District
City of Petaluma	Oro Loma Sanitary District
City of Pittsburg	Richardson Bay Sanitary District
City of Pleasanton	Sanitary District No. 1 of Marin County
City of Redwood City	Sanitary District No. 5 of Marin County
City of Richmond	Sanitary District No. 6 of Marin County
City of San Carlos	San Pablo Sanitary District
City and County of San Francisco	San Quentin State Prison
City of San Jose	San Rafael Sanitation District
City of San Leandro	Sausalito-Marín City Sanitary District
City of San Mateo	Sonoma County Sanitation Department
City of Santa Rosa	Stege Sanitary District
City of South San Francisco	Union Sanitary District
City of Sunnyvale	Vallejo Sanitation & Flood Control District
City of Yountville	Valley Community Services District
Town of Hercules	

LIST OF ORGANIZED COLLECTIVE BARGAINING UNITS

Alameda County Employees' Association
American Federation of State and County and Municipal Employees (AFSCME)
AFSCME, Local 444
AFSCME, Local 2167
City of Concord Employees' Association
City of Gilroy Employees' Association
City of San Carlos Municipal Employees
Dixon City Employees' Association
Marin Association of Public Employees
Marin County Employees' Association
Marine Engineers Beneficial Association
Milpitas Employees' Association
National Association of Government Employees
Operating Engineers, Local 3
Pittsburg Employees Union, Local No. 1
Pleasanton City Employees' Association
San Leandro City Employees
Santa Rosa City Employees' Association
Service Employees International Union
Service Employees International Union, AFL-CIO, Local 715
SEIU 715: Employees General Unit; Management Unit, City of San Mateo
Sonoma County Organization of Public Employees
Treatment Plant Operators Association (City of Antioch)
Union Sanitary District Employees' Association
United Public Employees Union, Local 390 (4 plants represented by Local 390)

LIST OF NECESSARY SERVICES AND SUPPLIES

	<u>Number of Agencies Reporting</u>	<u>Percent</u>
Chlorine	45	82
Gasoline	24	44
Diesel Fuel	21	38
Commercial Electrical or Mechanical Maintenance	20	36
Coagulant Polymers	16	29
Odor Control & Masking Agents	12	22
Propane	10	18
Commercial Screening Disposal	8	15
Ferric Chloride	8	15
Commercial Sludge Disposal	7	13
Lime	7	13
Alum	2	4
Others:	7	13
Caustic Soda		
Sulfur Dioxide		
Ammonia		
Sodium Bicarbonate		
Defoamants		

LIST OF AGENCIES INTERESTED IN A REGIONAL MUTUAL AID PROGRAM

Alameda County

East Bay Municipal Utility District
 City of San Leandro
 Valley Community Services District
 City of Hayward
 Castro Valley Sanitary District
 City of Livermore

Contra Costa County

City of Pittsburg
 City of Antioch
 City of Concord
 San Pablo Sanitary District
 Central Contra Costa Sanitary District

Marin County

Hamilton Air Force Base
 City of Mill Valley
 San Rafael Sanitation District
 North Marin County Water District
 Richardson Bay Sanitary District
 Las Gallinas Valley Sanitation District

Napa County

City of Yountville

City and County of San Francisco

City and County of San Francisco

San Mateo County

Estero Municipal Improvement District
 Guadalupe Valley Municipal Improvement District
 City of San Mateo
 City of San Carlos
 City of Millbrae
 Menlo Park Sanitary District
 Granada Sanitary District
 North San Mateo County Sanitation District

Santa Clara County

City of Palo Alto
 City of Sunnyvale
 Milpitas Sanitary District

Solano County

Vallejo Sanitation and Flood Control District

Sonoma County

City of Santa Rosa
 City of Petaluma

D R A F T

WASTEWATER TREATMENT FACILITIES MUTUAL AID AGREEMENT

WITHIN THE SAN FRANCISCO BAY REGION*

1. PARTIES. This Agreement dated _____, is between these parties in the San Francisco Bay Region (see §513):

and Bay Area Sewage Services Agency.

2. PURPOSES. Conditions providing the potential for emergency discharge of raw sewage to the waters of the state which constitutes immediate hazards to life and property and threatens the mutual environment commonly occur within the Region. Such emergency can overwhelm the resources of any one water quality control agency, and can require the combined efforts of several such agencies. These parties desire to, and shall when so requested, furnish assistance to one another in accordance with the provisions herein, and in conformance with the California Emergency Services Act, the California Mutual Aid Agreement and the Bay Area Sewage Services Agency Emergency Services Plan.

3. REQUESTS FOR MUTUAL AID. To insure orderly and coordinated use of waste treatment resources, all requests for this mutual aid shall be made to the Regional Mutual Aid Coordinator, as appointed by the Agency Board of the Bay Area Sewage Services Agency and as recorded in the Regional Emergency Service Plan.

Any party's chief administrator (or, in his absence, his ranking assistant) may request assistance of equipment and/or personnel when, in his opinion, the resources of his own jurisdiction are insufficient to cope with the existing emergency. Alerts to the Regional Mutual Aid Coordinator shall be made when, in the opinion of the party's administrator, the potential of need for mutual aid exists. When any party's administrator determines that

* Adapted from Contra Costa County Fire Service Mutual Aid Agreement dated March 19, 1974.

only limited assistance may be needed, he may directly request mutual aid from the administrator of a contiguous party with notification to the Regional Mutual Aid Coordinator.

4. RESPONSE TO REQUEST. The administrator of the party from whom mutual aid is requested shall comply with the request wholly or in part when:
 - (a) The specific assistance requested is clearly referred by the Regional Mutual Aid Coordinator, or is directly requested by a contiguous administrator in a limited situation; and
 - (b) Compliance will not deplete his own resources below the level needed to cope with known similar hazards in his jurisdiction.
5. ASSISTANCE NOT MANDATORY. The rendering of mutual aid hereunder shall not be mandatory, but the party receiving the request for assistance shall immediately inform the party requesting service if, for any reason, assistance cannot be rendered.
6. NO COMPENSATION. All services rendered under this Agreement shall be performed without reimbursement to the participating party or parties hereto, in consideration of their mutual promises and services; each party shall bear its own costs hereunder. However, nothing herein precludes any party from claiming from any other agency not a party to this Agreement such payment or reimbursement as it may be legally entitled to.
7. WAIVER. Each party hereto waives all claims against any other participating party for compensation for any loss, damage, personal injury, or death which may arise due to conformance, or lack of conformance under this Agreement.
8. EFFECTIVE DATE. This Agreement becomes effective as to each party when signed by the person authorized by its respective governing body and filed with the Clerk of the Bay Area Sewage Services Agency with a certified copy of the authorizing minute order or resolution. Any water quality agency not listed in Section 13 may become a party to this Agreement by an amendment hereto including it as a party, effective when approved by all other parties.

9. NOTICE TO PARTIES. Upon receipt of a certified copy of the minute order or resolution authorizing or terminating a party's participation in this Agreement, the Clerk of the Bay Area Sewage Services Agency shall so notify the Regional Mutual Aid Coordinator, who then shall immediately so notify the governing bodies of all other parties.
10. TERMINATION. Any party may terminate its participation in this Agreement by filing, with the Clerk of the Bay Area Sewage Services Agency, and with the governing bodies of all parties listed in Section 13 a certified copy of the resolution of termination adopted by its governing body. Such termination shall be effective 30 days after the last such filing, unless all parties mutually agree in advance to make it effective immediately upon the filing of said resolution or at some other time.
11. DIRECTION OF WORK. Except as provided in Section 12, the administrator of the requesting party has authority and responsibility to assign and direct resources made available hereunder by other parties.
12. INSUFFICIENT RESOURCES REGIONWIDE. Except as provided in Section 4, when the resources of all parties are committed to the extent available, but are found to be insufficient to cope with the emergency condition, the Regional Mutual Aid Coordinator has the authority and responsibility for overall coordination, procurement and assignment of resources, and is also responsible for obtaining additional assistance from outside of the San Francisco Bay Region as defined in Section ____.
13. PARTIES ELIGIBLE TO PARTICIPATE.

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